

## **CHAPTER 25-13 BLIND AND DISABLED PERSONS' ACTIVITIES**

**25-13-01. Legislative policy.** It is the policy of this state to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment.

**25-13-01.1. Definitions.** For purposes of this chapter:

1. "Assistance dog" includes a dog that has been specially trained to assist an individual with a disability. The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.
2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis.

**25-13-02. Individual with a disability - Assistance dog - Admission to public places.** An individual with a disability is entitled to be accompanied by an assistance dog in places of public accommodations, common carriers, facilities of a health care provider, and all places to which the public is generally invited, without being required to pay an extra charge for the assistance dog; provided, that the individual is liable for any damage done to the premises or facility by the assistance dog.

**25-13-02.1. Trainer and assistance dog in training - Admission to public places.**

1. A trainer with an assistance dog in training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the assistance dog in training, provided:
  - a. The trainer notifies an onsite manager that an assistance dog in training is being brought onto the premises;
  - b. The trainer wears a photo identification card issued by a nationally recognized dog training program; and
  - c. The trainer is liable for any damage done to the premises or facility by the assistance dog in training.
2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the assistance dog in training without good cause.

**25-13-03. Driver of motor vehicle - Precaution - Individual with assistance dog.** If the driver of a motor vehicle approaches an individual who is blind or visually impaired and who is carrying a cane predominately white or metallic in color, with or without a red tip, or who is accompanied by an assistance dog, the driver shall take all reasonable precautions to avoid injury to the individual and the assistance dog. Any driver who fails to take reasonable precautions is liable to the individual for any injury caused. An individual who is blind or visually impaired and not carrying a cane or an individual with a disability who is not accompanied by an assistance dog has all of the rights and privileges conferred by law upon other individuals. The failure of an individual who is blind or visually impaired to carry a cane or the failure of an individual with a disability to be accompanied by an assistance dog is not by itself evidence of fault.

**25-13-04. Penalty for interfering or denying use of facilities.** Any person who denies or interferes with admittance to or enjoyment of the public places or facilities enumerated in section 25-13-02 or otherwise interferes with the rights of an individual who is blind or visually impaired, or with the rights of an individual who is accompanied by an assistance dog, is guilty of a class A misdemeanor. This section does not apply to a denial of admission under section 25-13-02.1.

**25-13-05. State employment of blind and disabled.** It is the policy of this state that the blind, the visually handicapped, and the otherwise physically disabled shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless the particular disability prevents the performance of the work involved.